D.B.CIVIL SPECIAL APPEAL (W) NO. 666/2007
M/s Shiv Marbles Udhyog
v.
Ajmer Vidyut Vitran Nigam Ltd. & anr.

Date of order : 09.05.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri Praveen Balwada for the appellant
Shri S.S.Ali for the respondents

This special appeal is directed against the order of the learned Single Judge dated 12.4.2007 in S.B.Civil Writ Petition no. 1117/2007 by which while disposing of the stay application the learned Single Judge modified the earlier order dated 20.2.2007 with a direction that if the contesting respondent deposits the amount as demanded by the petitioner Ajmer Vidyut Vitaran Nigam Ltd., the power connection may not be discontinued. Earlier, by order dated 20.2.2007 operation of the order of the Permanent Lok Adalat dated 27.10.2006 had been stayed. By the said order dated 27.10.2006 the Permanent Lok Adalat exercising jurisdiction under section 22 B of State Legal Services Authority Act, 1987 had held that the payment of Rs. 3,20,987.18p. for the period 1.11.2004 to 3.1.2006 was not legal and valid, and that the amount due from the date of testing of meter on 14.10.2005 to the date of replacement of the new meter on 3.1.2006 may be recovered in two bills.

We heard counsel for the parties at length.

As the writ petition is pending, it is not proper to go into gamut of the dispute. The only question with which we are concerned at this stage is the correctness of the order of the learned Single Judge which virtually directs the appellant to pay the entire amount of the bill i.e. Rs. 3,20,987.18p. We have been given to understand by counsel for the appellant that thirty percent of the said amount has been deposited. We are of the view that ends of justice would be satisfied by directing the appellant to pay twenty percent more i.e. fifty percent of the amount without prejudice to the rights and contentions of the either party and subject to result of the writ petition. The amount so payable may be realised from the appellant in two subsequent bills.

With this modification in the order of the learned Single Judge, this appeal is disposed of.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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